



# AFRICAN MEDIA BAROMETER

The first home grown analysis of the  
media landscape in Africa



AFRICAN  
MEDIA  
BAROMETER

## SWAZILAND 2011

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MAGAZINES DEGREE DOCUMENTS DEGREE DOCU- REPORT

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Freedom of expression, including freedom of the media, are effectively protected and promoted.

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# The African Media Barometer (AMB)






The African Media Barometer (AMB) is an in-depth and comprehensive description and measurement system for national media environments on the African continent. Unlike other press surveys or media indices the AMB is a self-assessment exercise based on home-grown criteria derived from African Protocols and Declarations like the “*Declaration of Principles on Freedom of Expression in Africa*” (2002) by the “*African Commission for Human and Peoples’ Rights*”. The instrument was jointly developed by *fesmedia Africa*, the Media Project of the Friedrich-Ebert-Stiftung (FES) in Africa, and the Media Institute of Southern Africa (MISA) in 2004.

The African Media Barometer is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. Its results are presented to the public of the respective country to push for an improvement of the media situation using the AU Declaration and other African standards as benchmarks. The recommendations of the AMB-reports are then integrated into the work of the 19 country offices of the Friedrich-Ebert-Stiftung (FES) in sub-Saharan Africa and into the advocacy efforts of other local media organizations like the Media Institute of Southern Africa.

## Methodology and Scoring System

Every two to three years a panel of 10-12 experts, consisting of at least five media practitioners and five representatives from civil society, meets to assess the media situation in their own country. For 1 1/2 days they discuss the national media environment according to 45 predetermined indicators. The discussion and scoring is moderated by an independent consultant who also edits the AMB-report.

After the discussion of one indicator panel members allocate their individual scores to that respective indicator in an anonymous vote according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores will be divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

### **Outcome**

The final, qualitative report summarizes the general content of the discussion and provides the average score for each indicator plus sector scores and overall country score. In the report panellists are not quoted by name to protect them from possible repercussions. Over time the bi- or tri-annual reports are measuring the media development in that particular country and should form the basis for a political discussion on media reform.

In countries where English is not the official language the report is published in a bilingual edition.

Implementing the African Media Barometer the offices of the Friedrich-Ebert-Stiftung (FES) and - in SADC countries the Media Institute of Southern Africa (MISA) - only serve as a convener of the panel and as guarantor of the methodology. The content of the discussion and the report is owned by the panel of local experts and does not represent or reflect the view of FES or MISA.

At the end of 2008 the indicators were reviewed, amended and some new ones were added to address the rapid developments in Information Communication Technology (ICT).

By the end of 2011 the African Media Barometer has been held in 28 African countries, in some of them already for the fourth time.

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*See above 28 AMB Countries (2005-2011)*

# AFRICAN MEDIA BAROMETER SWAZILAND 2011

## Summary

The Kingdom of Swaziland is going through a period of severe uncertainty, which could lead to ground breaking changes in the country of 1.2 million citizens. Receipts from the Southern African Customs Union<sup>1</sup> which used to contribute more than half of the country's national revenue have shrunk by 60 per cent in 2011. Swaziland's external debt has increased to E70.9 billion (US\$ 10.2 billion) – almost six times the annual budget of E12 billion (US\$ 1.7 billion). Salaries for civil servants have been frozen with the constant threat of pay cuts. Government is not procuring goods from business any more. The health and education sectors are on the brink of collapse. The judiciary is in disarray due to alleged autocratic actions by the Chief Justice. Corruption is said to be rife. King Mswati III, who ascended to the throne 25 years ago, is accused of unreasonable expenditure to pay for his lavish lifestyle and family of 13 wives.

Swaziland is “a non-party state” and the King still exercises supreme power through his involvement in politics and his leadership of the executive. The King can suspend the right to free expression at his discretion, in line with the traditional culture of Swazi society. Once authority – in this case the King – has pronounced on a matter, no one else can voice a differing opinion. As a result, people generally fear speaking out, let alone challenging the official wisdom. “It is very clear, we practice [our freedom of expression] with fear. We exist with fear.”

The 2008 Suppression of Terrorism Act is being used to repress dissent and political activity under the guise of addressing international terrorism. The act contains a broad definition of “terrorism”, and gives the authorities sweeping powers to declare “an entity” “a specified entity” if there are “reasonable grounds” that it is about to commit a “terrorist act”. In 2008, the Prime Minister issued an official declaration designating four organisations (political parties) as such ‘specified entities’. Their views are banned by the authorities and excluded by all the media.

In addition to the antiterrorism act, there are another 32 laws that restrict freedom of expression. Although the constitution adopted in 2005 guarantees this basic right no attempt has been made to bring existing legislation in line with the constitution.

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1 The Southern African Customs Union (SACU) is based on an agreement between neighbouring countries Botswana, Lesotho, Namibia, South Africa and Swaziland and which custom duties for imports into the region are shared.

The authorities also regulate dissent through traditional power structures that have an influence over everyone, no matter where they live. Everyone falls under a chief, who can threaten the families of perceived troublemakers with eviction or the withholding of benefits controlled by traditional authorities: scholarships, promotions, tenders.

All this leads to all-pervasive self-censorship in the media: editors are called to the King's court to explain their coverage; politicians and political appointees have a hotline to editors; media are afraid of losing government advertising. "Self-censorship is a fact of life."

There are two daily newspapers in Swaziland, both published in English. The privately owned Times of Swaziland has a readership of 150 000 and the Swazi Observer, owned by a company controlled by the royal family, reaches 70 000 readers.

Coverage of politics is largely a "no-go area". Therefore newspapers concentrate more on stories about individuals and scandals which – as editors themselves admit – do not contribute to national development, but help to sell copies, often at the expense of professional standards of accuracy and balance. Tabloid-style weeklies that started publishing in recent years are said to be pushing personal agendas and disregarding basic journalistic values.

Radio is the most accessible and affordable source of information for most people in Swaziland. There are two radio broadcasters – the government-run Swaziland Broadcasting and Information Services (SBIS) with two radio channels and Voice of the Church (VOC), a private Christian radio station. State-controlled Swazi TV is still the country's only free-to-air television channel. The SBIS is a department of the information ministry, while Swazi TV is governed by a board made up of representatives of government, together with people appointed by the minister responsible for television. State radio and television only air official political views. Government officials dominate the news bulletins.

The regulation of broadcasting is under strict government control and several community and commercial radio stations have been waiting for licences for many years. Most recently, government invited applications for four community radio licences in 2009, one for each region of the country. However, the process stalled once again.

In 2009 the government published a Communications Bill. It provides for the establishment of a single regulator for all sectors of the communications industry. The bill envisages that the minister will appoint the board of the commission. Once established, the commission would then apply separate laws governing broadcasting, telecommunications and postal services. Two separate bills are meant to govern the broadcasting sector. The Broadcasting Bill deals with commercial and community broadcasting, while the Public Broadcasting Bill would pave the way for the merger of the SBIS and Swazi TV into one state broadcaster. Neither has been tabled in parliament.



The media has established its own voluntary Media Complaints Commission (MCC) which was registered as a non-profit company in June 2011. This marked the end of a 14-year struggle by the media to establish media self-regulation. The last attempt was prompted by government's move to set up a statutory body through a Media Commission Bill. At first government refused to register the MCC, preferring instead to proceed with the statutory body. Government finally relented – for the time being.

The struggle for more media freedom is hampered by a lack of support from organised civil society which often lacks an understanding of how the media operates, does not have much trust in the media or even believes that the media enjoys too much freedom. As an editor put it: "If anyone wants us to be brave, there must be more people out there willing to put their heads on the block with us. Many people use us to push an issue but then withdraw. If we are going to publish a story about the King buying new cars, others must stand by us when we do. Often we have found ourselves on our own."

Since the beginning of 2011, though, as the country's political and economic problems mount, civil society and the public at large increasingly seem to appreciate the importance of free media. Teachers petition the state radio for greater access to the airwaves and newspaper readers are looking for stories which really affect their lives. There are noticeable attempts to improve the quality of journalism in both print and broadcast media in response to growing criticism and complaints from the public. Many media practitioners in Swaziland are doing their best to be good journalists, despite working under very difficult conditions.



# SECTOR 1:

**Freedom of expression, including  
freedom of the media, is effectively  
protected and promoted.**

# Freedom of expression, including freedom of the media, is effectively protected and promoted.

## 1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

Freedom of expression and media freedom are guaranteed in the 2005 Constitution of the Kingdom of Swaziland. Sections 24 (1) and (2) say:

- (1) A person has a right to freedom of expression and opinion.
- (2) A person shall not except with the free consent of that person be hindered in the enjoyment of the freedom of expression, which includes the freedom of the press and other media, that is to say -
  - (a) freedom to hold opinions without interference;
  - (b) freedom to receive ideas and information without interference;
  - (c) freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of person); and
  - (d) freedom from interference with the correspondence of that person.

However, the constitution in section 24 (3) also provides for restrictions of these rights:

Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is reasonably required for the purpose of –
  - (i) protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings;
  - (ii) preventing the disclosure of information received in confidence;
  - (iii) maintaining the authority and independence of the courts; or
  - (iv) regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting or television, or any other medium of communication; or
- (c) that imposes reasonable restrictions upon public officers, except so far as that provision or, as the case may be, the thing done under the

authority of that law is shown not to be reasonably justifiable in a democratic society.

These limitations place the onus on the person trying to exercise their right to show that a restriction is not justifiable, rather than compelling the authority making such a restriction to show that such it is necessary.

They are used very widely and tend to cloud over the freedoms that are guaranteed on paper, particularly when considered alongside the plethora of restrictive laws that still exist (see indicator 1.3).

Without the reform of these laws restricting freedom of expression, the status quo remains: “In as much as the constitution purports to guarantee freedom of expression, the support from other legislation is not there.” No attempt has been made to bring legislation in line with the constitution. Although the constitution provides for the establishment of various commissions, the provision for a law reform commission was overlooked in the new dispensation. There is a Law Reform Commission Act on the statute books but the last such commission to be constituted was in place only until the early 1980s and the institution is now defunct.

*“In as much as the constitution purports to guarantee freedom of expression, the support from other legislation is not there.”*

The constitution adopted at the country’s independence in 1968, which guaranteed political freedoms along with many of the other fundamental rights, was suspended by a Royal Proclamation of 1973 decreed by then-King Sobhuza II – father of the current King Mswati III: “Political parties were banned. There was a declaration of a state of emergency. The military became seriously operational. The decree removed a lot of freedoms. The proclamation was a statement by the King that he was taking all executive and legislative powers.” As far as panellists were aware, this proclamation has not been revoked by the 2005 constitution: “In practice, the 1973 declaration still exists, and the fear it creates is still there.”

The 2005 constitution could be broadly interpreted to mean that the king still has supreme powers through his involvement in politics and his leadership of the executive: “Freedoms are given with one hand, but there are so many claw back regulations that raise the question: Have we moved from 1973 or have we simply couched 1973 in a document that is thicker and internationally more acceptable?”

What remains is “a muddy picture”. The King can suspend the right to free expression at his discretion, in line with the traditional culture of Swazi society. Once authority – in this case the King – has pronounced on a matter, no one else can voice a differing opinion. As a result, people still fear speaking out or stating a

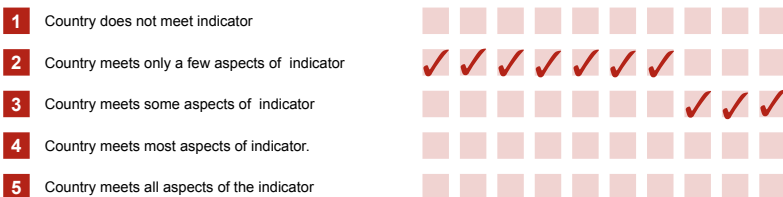
different view to authority. “When you do that, something will happen to you. The discourse of fear and threat of action is still there.”

After the commencement of the constitution in 2005, a Suppression of Terrorism Act was passed in 2008 that has taken away “all the rights you can think of” (see indicator 1.3).

All this has to be viewed in the context of Swaziland still being “a non-party state”. Section 79 of the constitution states that Swaziland’s system of government is “a democratic, participatory, *tinkhundla*-based system which emphasises devolution of state-power from central government to *tinkhundla* areas, and individual merit as a basis for election or appointment to public office”. By implication this means that political parties do not play any role in the system of governance and the chiefs in the various *tinkhundlas* exercise power over their subjects. Thus the political status quo is maintained under the new constitution, “and when you discuss freedom of expression, you must consider Section 79”.

## Scores:

### Individual scores:



Average score:

2.3 (2009: 2.1; 2007: 2.1; 2005: 1.5)

## 1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

“It is very clear, we practice [our freedom of expression] with fear. We exist with fear.”

Besides the country’s restrictive laws, socialisation plays a major role in the way Swazis express themselves. “People are not free to speak either in their professional capacity or as citizens. Even if they are protected with academic immunity, there is still that ‘...but don’t quote me’.” Those who speak out tend to be labelled. “As I grew up, if someone called me a progressive I would be happy. But today it means something else.”

As a result, people from all walks of life are afraid of being “victimised”. The Prime Minister has threatened to “fish out” all “comrade civil servants”, implying that politically active civil servants will lose their jobs. Politicians give one message to their citizens, and another to the international community. The Prime Minister told the International Labour Organisation (ILO) that civil servants were free to belong to political associations, as long as this was not during working hours. And yet the proposed Public Service Bill prohibits civil servants from being politically active.

“We in the press ... cannot tell the King he is wrong. We cannot even discuss his budget publicly. The Queen Mother took us on and called us liars about a story we published eight years ago. After that, we couldn't challenge her. Whatever they say goes.” With the King considered “the supreme authority”, and the rest of the royal family off limits, the media has tended to focus on individuals in government. While newspaper opinion writers do still challenge the King from time to time, “our culture is that the King is never wrong, and therefore we tend to blame his advisors”. This has enabled the King to feel that “everything he says goes”.

*“We in the press  
... cannot tell the  
King he is wrong.  
We cannot even  
discuss his budget  
publicly.”*

The only way of expressing discontent is through industrial action, which is why demonstrations tend to be organised by trade unions around labour issues. “We can't venture into politics, therefore the labour movement is critical as a vehicle that allows people to congregate. They (the authorities) will have to allow labour to go onto the streets because the ILO is watching. Labour has tried to put all the other issues on the table, but this is limited because of the legal parameters.”

The lines between industrial and other forms of discontent are becoming increasingly blurred as Swaziland now faces various economic, social and political crises. On the one hand, the country is trying to say to the world that people are free to protest, but panellists felt that nothing happens beyond the presentation of petitions to the authorities. Recent demonstrations organised by trade unions in March and April 2011 have met with harsh resistance from the security forces.

The country has double standards when it comes to free expression. “If you are supporting the status quo you can freely express yourself. If you are against the prevailing scenario you cannot access the media. It would be wrong to say there is no freedom of expression. But ... you only have freedom of expression up to a certain point.”

Even those with access to the media can take their expression only so far. “I was invited to go on TV and as we were preparing to go in (to the studio), the interviewers were saying to me ‘don't go too far’. If you are Swazi, you know how

far you can go.” Journalists may know what they want their interviewees to say, but “pre-empt the person to say what is acceptable in a particular situation”, depending on the institution the journalists work for. “If you go beyond the borders, they (journalists) will cut you immediately, and take you in a different direction.” Following the street protests of 12 April 2011, the trade unions called a press conference and all the media were there. However, a journalist from the state-controlled Swazi TV warned that the footage of the press conference would not be aired and, indeed, nothing was broadcast.

The authorities also regulate dissent through traditional power structures that have an influence over everyone, no matter where they live. “For all of us ‘home’ is in the rural areas, and an additional pressure on speaking freely is that they will go after your family.” Everyone falls under a chief, who can threaten the families of perceived troublemakers with eviction or the withholding of benefits controlled by traditional authorities. “It is not the individual that is affected, but all those around them. Even generations to come will suffer the same fate: scholarships, promotions, tenders, they are all affected.” Scholarship applications, for example, have to be endorsed by a traditional authority and the example was given of a chief who denied that a political activist was from his area, thereby depriving him of the scholarship he was applying for. In another case, traditional authorities even refused to allow a funeral in their area of power for someone who was supposed to be a ‘political activist’.

*“People seem to be getting bolder within the limits that exist. People in Swaziland are afraid.”*

Panellists distinguished between the practice of free expression, and the fear that may restrict it. “There is an emergence of more expression, but the pervasive fear is still there, and therefore there is still a great deal of self-censorship.” Generally, more and more people are prepared to talk about the country’s problems through the media, but fear still holds many people back. “People seem to be getting bolder within the limits that exist. People in Swaziland are afraid. Even so-called political parties are very afraid. There have not been any political demonstrations without the labour movement. Without labour there will be no one going to the streets. At the moment everyone is talking about the political situation, but no one is out on the streets. In Egypt people are on the streets. In Swaziland, the moment we go to the streets, the police will be there.”

The labour movement has some protection under the constitution, but this does not extend to political parties. “April 12 [2011] was done behind the labour movement... The political space is not open here. Therefore you use the alternatives that are there, which are the trade unions, because they have the political space.” Some panellists pointed out how the situation in Swaziland differed from that which brought about the “Arab spring” in North Africa and the Middle East. “Here people have access to land, and this gives them some relative security, whereas a common factor among the protests in North Africa was unemployment

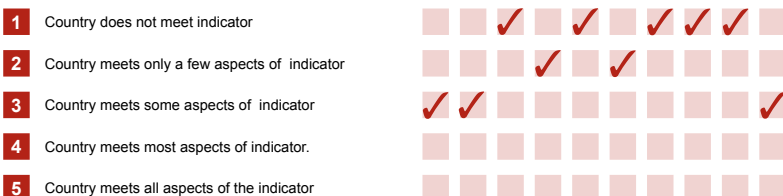


and poverty.” Other panellists disagreed: “The rural economy has been integrated into the cash economy, and most of what people need is not there (on the land). People can’t get everything from the land. They still need something else. People working in the urban areas are providing that income.”

As one panellist noted, “freedom of expression is about expressing all opinions”. People will call the radio or write to the newspapers to complain about the delivery of services. “But as soon as you probe the reason why services are bad in the first place, then you are not free to do so. That is now politics.”

## Scores:

### Individual scores:



Average score:

1.8 (2009: 1.7; 2007: 2.1; 2005: 1.6)

## 1.3 There are no laws or parts of laws restricting freedom of expression such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

The 2008 Suppression of Terrorism Act is being used to repress dissent under the guise of addressing international terrorism. The normal legislative process was not followed when the law was promulgated under a “certificate of urgency” following a spate of bombings in Swaziland, and there was little opportunity for the public to debate the new law. The law has a broad definition of “terrorism”, and gives the authorities in section 28 sweeping powers to declare “an entity” “a specified entity” if there are “reasonable grounds” that it is about to commit a “terrorist act”; an “entity” is defined as “a person, group, trust, partnership, fund or an unincorporated association or organisation”. In 2008, the Prime Minister issued an official declaration designating four organisations as such ‘specified entities’. Section 11 criminalises “support” to “terrorist groups” without defining the term

“support”. Furthermore, section 22 empowers all police officers, regardless of rank, to arrest without a warrant “any person who has committed or is committing or whom the police officer has reasonable grounds for suspecting to have committed or to be committing” an offence under the Act.

In addition to this, there are another 32 laws that restrict freedom of expression. Among these, the 1968 Proscribed Publications Act empowers the information minister to declare a publication or publications “prejudicial to the interests of defence, public safety, public morality or public health”. The Sedition and Subversive Activities Act of the same year criminalises the making of statements that bring into hatred and contempt the King, his heirs or successors. The same law criminalises statements that raise discontent or disaffection among the people of Swaziland and promote feelings of ill will and hostility between different groups.

The 1963 Books and Newspapers Act requires the licensing of all print operators, who have to pay a prohibitive cash bond when entering the media industry. The 1963 Officials Secrets Act bans access to government-held information, except on approval by senior government officials.

## Scores:

### Individual scores:



### Average score:

1.5 (2009: 1.0; 2007: 1.0; 2005: 1.3)

## 1.4 Government makes every effort to honour regional and international instruments on freedom of expression and the media.

Nearly twenty years on from the Declaration of Principles on Freedom of Expression in Africa adopted by the African Commission on Human and Peoples' Rights in 2002, the independence of the press is not guaranteed and the Swazi airwaves remain under state control. "We are still where we were at independence because the media landscape has not changed that much."

For an unprecedented three years in a row, the ILO has found that Swaziland does not comply with international labour standards. Swaziland has signed and ratified the International Covenant on Civil and Political Rights, along with the African Charter on Human and Peoples' Rights, and various Southern African Development Community (SADC) protocols. "Appending the signature is not a problem for us, and is linked to beatifying ourselves to an external audience. Beyond signing, there are processes to make guarantees a reality on the ground. We do the paper work to shut out the noise." However, honouring these regional and international instruments requires a country to go much further and to include their provisions in domestic law, and for these laws to be implemented. In the case of Swaziland, "the government makes every effort NOT to honour these instruments!"

*"...the government makes every effort NOT to honour these instruments!"*

### Scores:

#### Individual scores:

1	Country does not meet indicator	✓	✓		✓		✓	✓											
2	Country meets only a few aspects of indicator			✓		✓				✓	✓	✓							
3	Country meets some aspects of indicator																		
4	Country meets most aspects of indicator.																		
5	Country meets all aspects of the indicator																		

#### Average score:

1.5 (2009: 1.9; 2007 and 2005: n/a)

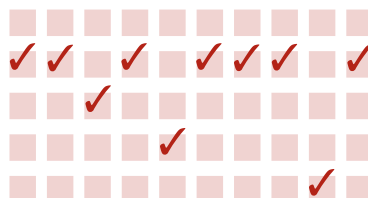
## 1.5 Print publications are not required to obtain permission to publish from state authorities.

The 1963 Books and Newspapers Act, which requires publications to register and to pay a hefty bond of E15 000 (US\$ 2173<sup>2</sup>) remains in place, although not all print media have complied with this law. Government uses this law “as and when needed” to silence critical publications and this has an overall chilling effect on print media. The law is very broad in that it applies to most types of publication, including academic journals, and not just to commercial print media.

### Scores:

#### Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

1.6 (2009: 3.7; 2007 and 2005 n/a)

## 1.6 Entry into and practice of the journalistic profession is not restricted by law.

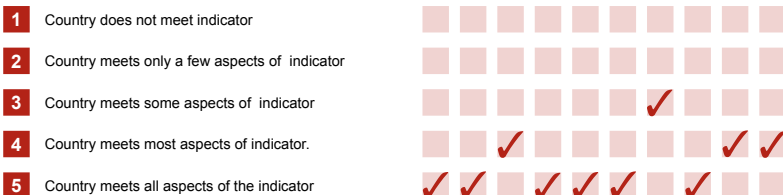
Currently, there are no laws restricting entry into the journalistic profession.

A Media Commission Bill was tabled in parliament in 2009 and would require journalists to have formal qualifications if it became law. This bill has not been enacted and government has registered a Media Complaints Commission (MCC) set up by the media itself (see indicator 4.1.). However, the government has not retracted the bill and “we still have that snake hanging over us”.

<sup>2</sup> 1 US\$ = 6.9 Lilangeni (E) (July 2011)

## Scores:

### Individual scores:



Average score:

4.5 (2009: 4.9; 2007: 4.6; 2005: 4.7)

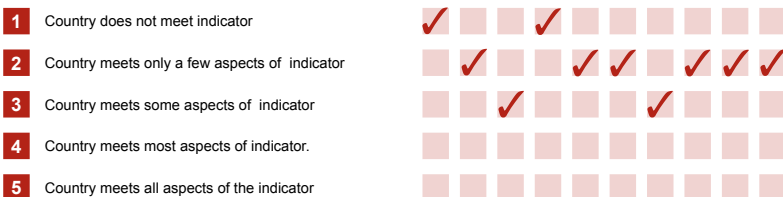
## 1.7 Confidential sources of information are protected by law and/or the courts.

The 2006 Anti-Corruption Act provides some protection to whistleblowers. However, the 1938 Criminal Procedure and Evidence Act requires anyone – journalists included – to disclose their source of information if ordered by a court to do so. Refusal can result in a conviction for contempt of court. In practice, journalists have been subpoenaed and forced to give evidence during criminal proceedings.

There is nothing in the constitution or any other law that gives real protection for journalists wishing to protect their sources in the interests of media freedom and free expression. Instead, any protection that exists in, for example, the Anti-Corruption Act is specific to that law, and thereby only provides a limited safeguard for journalists.

## Scores:

### Individual scores:



Average score:

2.0 (2009: 2.0; 2007: 1.0; 2005: 1.0)

## 1.8 Public information is easily accessible, guaranteed by law, to all citizens.

Swaziland has no laws guaranteeing freedom of, or access to information. A freedom of information bill was drafted in 2007, but has not progressed beyond the draft stage. Panellists pointed out that the bill contained a “myriad of restrictions”, notably in terms of the mechanisms and fees for accessing information.

*“Even when you are working with government departments, those in these departments have difficulty getting information from their colleagues.”*

Those who hold information are afraid to release it, even when it seems “relatively harmless”. Researchers, let alone journalists, struggle to get information out of government departments. “We were doing a study and wanted the census figures. We were told: ‘Go and get a letter and we will give them to you’. There were a stack of copies (of the census) in the government office, but you needed authorisation to get them.”

Another panellist gave the example of researchers who approached various government departments for information for a study being conducted by Save the Children. Only two of the ministries provided information. The rest said the information belonged to the government and therefore was confidential. “Even when you are working with government departments, those in these departments have difficulty getting information from their colleagues.”

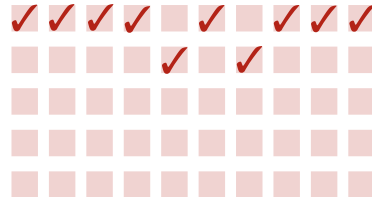
Anyone applying for information has to state what the information is for, and government regulations only permit civil servants to release information if authorised to do so by a higher authority.

In March 2011, the Swaziland chapter of the Media Institute of Southern Africa (MISA) launched a major access to information campaign to push for enabling legislation.

## Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator



**Average score:**

1.2 (2009: 1.2; 2007: 1.1; 2005: 1.3)

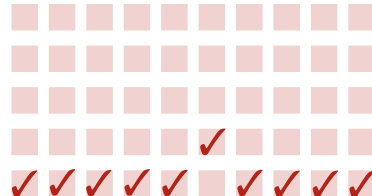
**1.9 Websites and blogs are not required to register with or obtain permission from state authorities.**

No permission from state authorities is needed to start a website or a blog.

## Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator



Average score:

4.9 (2009: 4.2; 2007 and 2005: n/a)

## 1.10 The state does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

According to some panellists, “there was a strategic black out” of the Internet during protests staged on 12 April 2011. Certain pages on the social media site Facebook were blocked, they said, while other pages were removed from the Internet completely. “They are interfering with it (the Internet) big time. It is a government initiative. Individuals at the Ministry of ICT [Information and Communication Technology] have been told to sit and surf the net to find ways to access people’s [social media] accounts in order to see what they are talking about, and to try to block people from using their accounts. Even now they probably have a team of people looking into people’s accounts.”

Panellists differed on how systematic the government’s monitoring and blocking of the Internet is. Some felt this was the initiative of some officials only, not least because the Swazi government lacks the necessary technology. “These are probably a few individuals in government saying Facebook is a threat,” said a panellist. “But they don’t have the firewalls to make sure citizens cannot access certain content. I can go to a blog right now, and say whatever I like.” Others argued that the monitoring was government policy. “Even the police were roped in to join some of these sites to see who is saying what. Even His Majesty expressed concern about Internet.” “Efforts are being made [by government to intercept information and monitor the Internet], there are strategies, there are plans, there are things happening,” concluded one panellist. “There may not be very coherent strategy in place, but they do try.”

*“Someone could be accused of terrorism for something they put on Facebook.”*

Another panellist pointed out that the Prime Minister Sibusiso Dlamini had said publicly that the Electronic Intelligence Act would enable government to use electronic communication as evidence in court. “Someone could be accused of terrorism for something they put on Facebook. The PM said that he had the act in place to deal with people who promote terrorism through electronic communication.”

On 25 March 2011, MISA-Swaziland reported that Prime Minister Dlamini told parliamentarians that his government would track down, arrest and prosecute the author of a popular Facebook site that was critical of the current Swazi regime.



## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country meets only a few aspects of indicator	
<b>3</b>	Country meets some aspects of indicator	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator	

### Average score:

2.9 (2009: 4.2; 2007 and 2005: n/a)

## 1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

NGOs and advocacy groups may support the media to a certain degree, but the support of organised civil society is not as much as it could be. “There is a sense among some sections of civil society that the media has too much freedom. Often it seems that the media is on its own. Critical issues are raised through media. If civil society was together, that sort of issue might raise a groundswell of concern. But at the end of the day, the editor is called to book, and there is a retraction. So the support could be better.”

Some panellists were concerned that the labour movement, for example, does not take up media freedom issues, although trade unionists on the panel did not agree with this view entirely. “To a certain extent we do [take up these issues]. Within the teaching fraternity there is some understanding of the role of the media.” For example, teachers were to petition the state radio for greater access to the airwaves so that the views and concerns of teachers could be heard.

*“...at the end of the day, the editor is called to book, and there is a retraction. So the support could be better.”*

However, journalists on the panel felt that civil society’s support for media freedom issues tended to be reactive. “MISA has been canvassing for public broadcasting for many years,” said one. “Now the issue is affecting teachers, they are taking action.” The problem is that civil society does not understand how the media operates. Some civil society organisations have gone as far as barring journalists from particular media houses from their events.

Panellists identified the following media lobby groups operating within the country: The Swaziland National Association of Journalists (SNAJ); the Swazi

***“SNAJ  
struggles to  
be effective,  
while the  
Editors Forum  
struggles to be  
consistent.”***

chapter of Gender and Media Southern Africa (GEMSA); the Swaziland Editors Forum; and MISA-Swaziland.

Some panellists felt the media itself is divided. “The trouble is journalists don’t take an interest in issues affecting them, therefore SNAJ struggles to be effective, while the Editors Forum struggles to be consistent.” Others felt media owners are compromised. “There are people in civil society who say things are fine as they are; even media owners, because they are benefiting from the status quo. Those of us inside the media have a lot of concern about what is happening, but we are not taken seriously. Our employers divide and rule us. SNAJ at one point was a very strong lobby group, but they were crushed.”

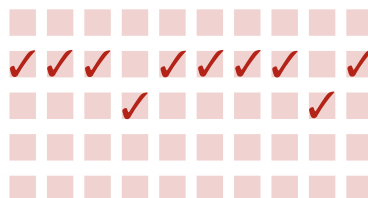
One panellist felt uncomfortable with the decision of media editors to meet regularly with the King. “If the King says ‘don’t write this’, they have to do his will. Therefore, it’s wrong for editors to go there in the first place. It’s not an order. They haven’t been invited. It’s the editors’ initiative.” Defending the editors, another panellist said: “The King needs to be told what is happening directly. The King has taken an interest in the media. When you explain how we operate, he understands ... It’s not that we want to be friendly with him.”

Other sections of civil society have decided it is not worth engaging with the King in this way because “the King’s word is law”. “Once he pronounces that’s the end of the matter. That’s the danger.” Countered another panellist: “Isn’t it worth taking the risk of that in the hope of getting your point across? Unless we take the risks, nothing will change.”

## Scores:

### Individual scores:

- |          |                                               |
|----------|-----------------------------------------------|
| <b>1</b> | Country does not meet indicator               |
| <b>2</b> | Country meets only a few aspects of indicator |
| <b>3</b> | Country meets some aspects of indicator       |
| <b>4</b> | Country meets most aspects of indicator.      |
| <b>5</b> | Country meets all aspects of the indicator    |



### Average score:

2.2 (2009: 2.2; 2007: 2.3; 2005: 2.1)

## 1.12 Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

Consultations between government and media advocacy groups take place and they can be meaningful because it is possible to prevent legislation such as the Media Commission Bill which would have established a statutory Media Council: “The media can claim victories in terms of stalling certain things.”

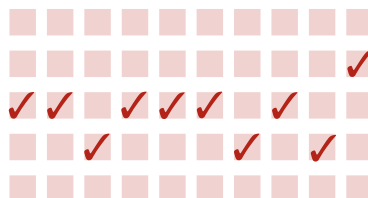
However, not everyone agreed. “In my view there hasn’t been any movement on media legislation, and there hasn’t been recent consultation. Is this ‘meaningful’ consultation if it takes so long?” The moment government moves on a piece of legislation, the media responds, argued another panellist. “We can’t move on our own. If they (government) say they are proceeding, we mobilise. We have been able to move to the level they are, but we can’t move beyond them.”

Some panellists took this as further evidence that consultation is not meaningful, as civil society and the media can never drive a law reform process, but simply react to what government says and does. “The state initiates, then we react like crazy, and successfully stall things. But the media is not driving any legislation.”

### Scores:

#### Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

3.2 (2009: 1.8; 2007 and 2005: n/a)

Average score for sector 1:

2.5 (2009: 2.6)



# SECTOR 2:

**The media landscape, including new media, is characterised by diversity, independence and sustainability.**

## The media landscape, including new media, is characterised by diversity, independence and sustainability.

### 2.1 A wide range of sources of information (print, broadcasting, Internet) is available and affordable to citizens.

#### *Print*

There are two daily newspapers, both publish in English. The *Times of Swaziland* with a print run of 31 000 and readership of 150 000 (audited by ABC) has a cover price of E3.50 (US\$ 0.50). Its owner is Paul Loffler, a British citizen who - unlike other investors in the country - has to apply for a work and residence permit each year. The *Swazi Observer* is owned by Tibiyo Taka Ngwane ('wealth of the nation'), a holding company controlled by the King in trust of the Swazi nation. The paper has a print run of 10 000, a readership of 70 000 (not audited) and a cover price of E3.50 (US\$ 0.50).

Both papers have weekend editions: the *Times on Sunday* costs E5.00 (US\$ 0.72) per copy and has a print run of 25 000; the *Weekend Observer* has the same cover price and comes out on Saturdays with a print run of 11 000. There are three more privately owned weeklies: *Vuka Ngwane*, a SiSwati periodical, *Ingwazi News* (which "publishes infrequently") and *Swazi Mirror*, both publishing in English. *The Nation* is a private monthly magazine that costs E15.95 (US\$ 2.30) per copy.

Panellists considered the price of most newspapers to be "affordable" when compared with the cost of a loaf of bread (E8.00 / US\$ 1.16). However, the cover price of the monthly *The Nation* magazine was considered high. In the current economic climate, newspaper readers are struggling to buy both daily newspapers, as has been their habit until recently. This is making the newspaper market increasingly competitive.

The government has stopped publishing its weekly *Swaziland Today* and is planning to move the title on-line to save costs.

All major South African publications are distributed in Swaziland.

The Swazi Media Audience Measurement Survey<sup>3</sup>, published in 2005, suggested that newspaper readership in Swaziland is relatively high, with 75 per cent of respondents then found to have read one or more newspapers per week. Local

3 [www.infoshopswaziland.com/swazi\\_mams/swazi\\_media\\_audience\\_measurement\\_survey.htm](http://www.infoshopswaziland.com/swazi_mams/swazi_media_audience_measurement_survey.htm)

newspapers had the highest share of readers. Magazine readership was found to be similarly healthy, with 80 per cent of respondents having read at least one magazine in the preceding three months. More than 50 magazine titles were listed as having been read. South African titles were found to be the most popular, with *Drum* having 50 per cent of the magazine market share, while the locally published *The Nation* commanded a respectable 12.5 per cent of magazine readership.

### *Broadcasting*

Radio is the most accessible and affordable source of information for most people in Swaziland. There are two stations – the government-run *Swaziland Broadcasting and Information Services* (SBIS) and *Voice of the Church* (VOC), a private Christian radio station which is a local franchise of *TransWorld Radio*.

SBIS with two channels – SBIS 1 (broadcasting in SiSwati) and SBIS 2 (English) – covers approximately 95 per cent of the country while VOC reaches about 65 per cent.

VOC remains the only domestic radio alternative to the state-controlled SBIS stations. In 2009, government indicated that it would license one commercial and four community radio stations but this has come to nothing, with little explanation from the authorities why the long awaited deregulation process has stalled once more.

State-controlled *Swazi TV* is still the country's only free-to-air television channel after the privately owned *Channel Swazi* went off air in 2010 “for a forest of reasons”. The station was popular, particularly among younger, urban viewers, and its closure further reduced the diversity of the country's media.<sup>4</sup>

The TV licence fee is E180 (US\$ 26) per year.

The South African satellite broadcaster *Multichoice* continues to be available as a subscription service. From August 2011, *Swazi TV* is due to be included in *Multichoice's* bouquet of channels available to subscribers in Swaziland.

The 2005 Swazi Media Audience Measurement Survey states that 92 per cent of Swazis have one or more radio sets in their household, while 86.5 per cent of respondents reported listening to radio once or several times a week. SBIS 1, which broadcasts in SiSwati, had the highest number of listeners, with 75.8 per cent of respondents tuning in to the station each week, while 44.2 per cent listened to SBIS 2. According to the study, 37.5 per cent of respondents listened to VOC. Several South African radio stations, which reach into Swaziland, were also listened to, although their audience share was much smaller, the most popular

4 Shortly after the AMB panel meeting the Times of Swaziland reported that Channel Swazi was back on air, quoting the owner saying that the station was broadcasting from studios in Johannesburg/South Africa – ‘Channel Swazi back on air, says Qhawe’, Times of Swaziland, July 12, 2011 (sourced from [www.times.co.sz/News/30476.html](http://www.times.co.sz/News/30476.html) on July 22, 2011)

being *Jacaranda FM* (8.5 per cent) and *Ukhozi FM* (5.4 per cent). The survey also found that 83 per cent of respondents had one or more television sets in their homes. 77 per cent of these television viewers watched *Swazi TV*, while 65 per cent and 50 per cent watched South African channels SABC1 and e.tv respectively, and 37 per cent watched *Channel Swazi* at the time.

### *Telecommunications and Internet*

According to the World Bank's World Development Indicators 90 000 Swazis (out of a population of 1.2 million) have access to internet<sup>5</sup>.






The country's only cell phone provider MTN, which is a joint venture between the state-run Swaziland Post and Telecommunications Corporation (SPTC) and South Africa's MTN, provides internet access to its subscribers. However, this is via slow and outdated Second Generation (2G) mobile data lines: "Access is terrible. You can't surf on the phone, and it is costly."

MTN has applied for a license to operate faster Third Generation (3G) lines, which are suitable for accessing the internet. However, the director of the SPTC, Mandla Motsa, is reported saying that current legislation – the 1983 SPTC Act, which gives the SPTC a monopoly over telecommunications services in Swaziland – does not allow him to give MTN a 3G licence<sup>6</sup>.

The cost of MTN's cell phone calls – E2.40 / unit peak time, E1.60 / unit off peak (US\$ 0.35 – 0.23) – is high, as is the cost of internet access. One of the internet providers, Realnet, for example, charges E225 (US\$ 32.60) / month for a 64kbs leased line and E350 (US\$ 50.72) / month for a 128kps leased line, while the company's pre-paid internet costs E25 (US\$ 3.62) for 90 minutes access, and E50 (US\$ 7.25) for 180 minutes, on top of a one-off E110 (US\$ 15.94) connection fee<sup>7</sup>.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	
<b>2</b>	Country meets only a few aspects of indicator	
<b>3</b>	Country meets some aspects of indicator	
<b>4</b>	Country meets most aspects of indicator.	
<b>5</b>	Country meets all aspects of the indicator	

### Average score:

2.8 (2009: 3.3; 2007: 3.1; 2005: 2.9)

5 Accessed from: [http://www.google.com/publicdata?ds=wb-wdi&met\\_y=it\\_net\\_user&idim=country:SWZ&dl=en&q=swaziland+internet+penetration](http://www.google.com/publicdata?ds=wb-wdi&met_y=it_net_user&idim=country:SWZ&dl=en&q=swaziland+internet+penetration)

6 'Why MTN won't get a licence', pp 4-5 in Times of Swaziland Sunday, July 10, 2011

7 [www.swazi.com](http://www.swazi.com)

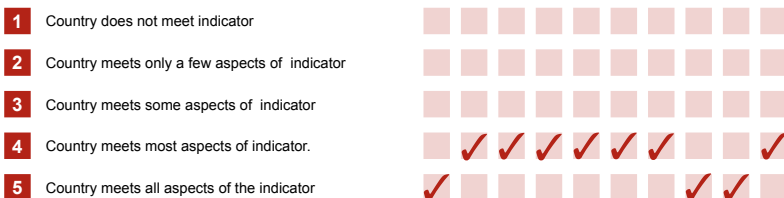


## 2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

Generally there is no restriction on international media coming into the country. However, if a foreign publication has a story that is offensive to the King, then the authorities may block the importation of that particular edition at the border, or take the publication off the newsstands once it is inside the country. A person was arrested in 2010 for making a copy of a South African newspaper story about a cabinet minister who was allegedly having an affair with one of the King's wives.

### Scores:

#### Individual scores:



Average score:

4.3 (2009: 4.2; 2007: 3.6; 2005: 4.0)

## 2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

Newspaper circulation has increased considerably during the last two years. Both dailies are actively promoting their publications in a bid to boost circulation. They have undertaken promotional road shows in rural areas together with co-sponsors. These road shows combine information about the publications with live entertainment. The newspapers have also run competitions and weekly draws for cash prizes, which have increased sales.

Both have expanded their distribution routes further into outlying areas with the *Times of Swaziland* using company cars. *The Times* also offers subscribers home deliveries.

## Scores:

### Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

4.4 (2009: 3.2; 2007: 2.5; 2005: 2.6)

## 2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

Because Tibiyo Taka Ngwane, the company that publishes the *Swazi Observer*, is a royal conglomerate held in trust by the King who also heads the company, the newspaper is to be seen as a “print media published by a public authority”. The King has told the journalists at the paper to “write as though you are part of the Tibiyo Taka Ngwane family”.

*The Observer's* editorial policy says that the only people the paper's journalists cannot write about in a bad light are the King – the paper's de facto owner – and the Queen Mother. The King appoints the paper's chief editor who “advises” the editor on “matters to do with the King and the Queen Mother” and ensures that the company's policy is followed.

*“What has shifted is the attitude of the editors. Previous editors were too scared to touch certain things.”*

Recently, the Prime Minister complained to the King that the paper was writing about him (the Prime Minister) in a bad light, but the paper maintains that this is not in breach of its editorial policy. “What has shifted is the attitude of the editors. Previous editors were too scared to touch certain things. Government was a no-go area. No one dared to cross the line.” However, no one questioned the paper the moment it did cross that line. Quite the opposite: board members applauded the paper for doing its job. In this respect, the paper's editorial policy has provided journalists with some protection.

“It is interesting to watch the *Observer* and how it goes through ups and downs in terms of political issues. If a prime minister can question an angle of a story, for

me that is interference. But in recent times the paper has taken a harder line in questioning the government, so it is becoming bolder.”

Some panellists suspected this greater boldness was indicative of political infighting within government and could itself be a result of political interference. “We can say editors are now braver, but there is an element of protection because the person in charge of the company has an interest in a more critical line. It’s a case of ants benefiting from fighting between elephants.” Tibiyo Taka Ngwane’s current chief executive officer (CEO) is a former prime minister.

Some panellists felt that the *Observer* does not report on those campaigning for change in the country, while others said the paper does cover these “progressive groups”. “Sometimes people who are ‘labelled’ [progressive] are not given space to write an opinion, but (news) coverage is not a problem. The strikes are covered.” This coverage was not balanced, some panellists countered. “Before April 12, the protests were not the main news in the *Observer*. They (the *Observer*) tell the story but it will be downplayed.” Other panellists disagreed. “Whether it is front page or not is another issue.”

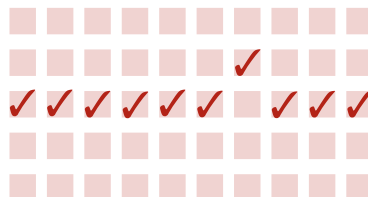
The *Observer* is a profitable newspaper that does not rely on subventions from the parent company, and this provides the paper with some protection.

*“Sometimes people who are ‘labelled’ [progressive] are not given space to write an opinion, but (news) coverage is not a problem.”*

## Scores:

### Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator



### Average score:

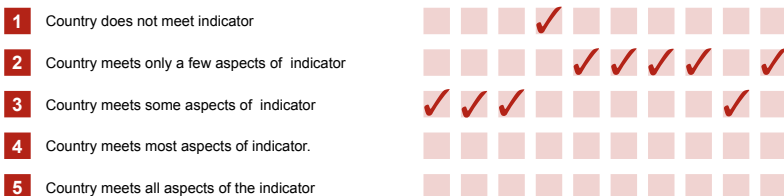
2.9 (2009: 1.7; 2007: 2.4; 2005: 1.9)

## 2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

The Competition Act 2007 provides for an operational oversight commission to monitor fair practices in business, however, the panellists were unsure if this act applied to the media. The Swaziland Communications Bill 2009, which was tabled in parliament but has not progressed further, seeks to regulate the communications industry in terms of fair competition. For now, the SBTC acts as both regulator of and player in the communications industry (see sector 3).

### Scores:

#### Individual scores:



#### Average:

2.3 (2009: 2.2; 2007: 1.3; 2005: 1.3)

## 2.6 Government promotes a diverse media landscape with economically viable and independent media outlets.

*“...of twenty-or-so publications that have been established over the years, only two or three have survived.”*

There has been a gradual increase in the diversity of media available in Swaziland as more newspapers have opened, and technology has made media in neighbouring countries more accessible. But: “If you look at the history of the media in the country, you will see that, of twenty-or-so publications that have been established over the years, only two or three have survived. Even the one that has published the 19th century (the *Times*) has closed periodically. So the government is not promoting media diversity and sustainability.”

To launch new newspapers could be even more expensive in the near future as government is said to be planning to increase the bond for registering a newspaper under the Books and Newspapers Act from E15 000 to E50 000 ( US\$ 2174 – 7246).

Government realises that broadcasting is the most accessible medium in the country and therefore continues to keep a tight grip on the sector. Several community and commercial radio stations have waited for licences for many years: “There has been no follow up to freeing airwaves and the public is not told why.”

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓		✓	✓	✓	✓	✓			✓
<b>2</b>	Country meets only a few aspects of indicator		✓						✓		
<b>3</b>	Country meets some aspects of indicator									✓	
<b>4</b>	Country meets most aspects of indicator.										
<b>5</b>	Country meets all aspects of the indicator										

### Average score:

1.4 (2009: 1.8; 2007 and 2005: n/a)

## 2.7 All media fairly reflect the voices of both women and men.

According to the 2009/10 Gender and Media Progress Study conducted by GenderLinks, GEMSA and MISA, the proportion of women news sources cited in the Swazi media “has increased marginally, from 17% to 19%”<sup>8</sup>. “There are, however, variations across individual media entities,” the report says. “While gender violence receives more coverage than gender equality, coverage still tends to be sensational, with little information on advocacy campaigns and where to go for help.”

While some panellists thought the voices of more women were being heard through the media, others felt that these were mostly the voices of women who represented the “status quo”. “The voices are there, but these tend to be the voices of convenience.”

Nonetheless, the monitoring of the media’s coverage of gender issues seems to be having an effect. “You have observed media listening, and a certain level of responsiveness to balance things out. We are not there yet, but there is an effort, and there is a difference.”

*“The voices are there, but these tend to be the voices of convenience.”*

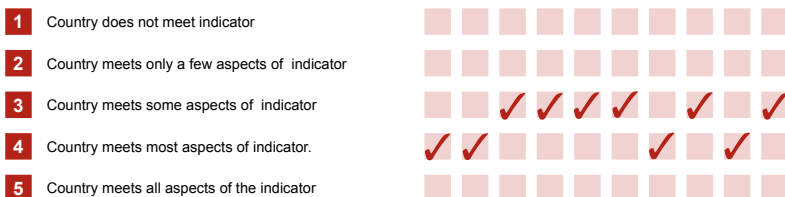
<sup>8</sup> Southern Africa Gender and Media Progress Study: Swaziland – Executive Summary October 2010 (sourced from [www.genderlinks.org.za/page/gender-and-media-progress-study](http://www.genderlinks.org.za/page/gender-and-media-progress-study) on July 20, 2011).

Journalists on the panel said media try to approach women for comment, but women are not always willing to speak out. “Whenever I have been approached I have spoken out,” replied a female panellist, suggesting that she was not approached very often, despite being a prominent civil society activist. “Women’s voices abound in traditional female roles. At a political level it is less so. The media is reflecting society in that respect.” There is a severe gender imbalance among decision makers in the country, which limits the number of potential female news sources: only nine of the country’s 95 parliamentarians are women, while ministers and heads of companies tend to be male. “But more women are becoming more up-front, more women are becoming newsmakers. Therefore, society is changing.”

Considerable effort has been made to sensitise and put pressure on editors to make their coverage more gender sensitive. “We have encouraged reporters to look for the woman’s voice in stories. ... We have the activist women who want to have a say. But there are other women in this society who it’s difficult to get comment from. They don’t understand how the media operates, or they are taught that women shouldn’t have a say.”

## Scores:

### Individual scores:



Average score:

3.4 (2009: 3.1; 2007 and 2005: n/a)

## 2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

The media gives a fair reflection of the country’s social diversity, but not its politics.

When it comes to politics, “voices of convenience” [backing the current status quo] also dominate the media. State run radio and television do not reflect political views that disagree with government: “They are not even shy about not giving voice to particular people.” The views from all four political parties that are

banned by the authorities and are therefore seen as “proscribed entities” under the Suppression of Terrorism Act are excluded by all the media.

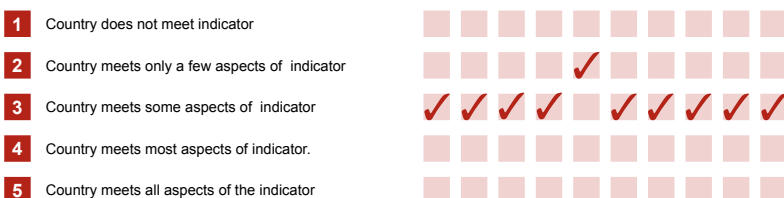
*Swazi TV* invites people from different faiths to explain their religions. “The constitution says that Christianity shall be the predominant religion (in Swaziland), but TV is giving other religions a chance because they are not banned. Nonetheless, Christianity still dominates.”

*“They are not even shy about not giving voice to particular people.”*

Poor people are able to express their views through the media. “You can go to print media and broadcasting, their voices are there.” However, more could be done to reflect the perspectives of people with disabilities and people living with HIV.

## Scores:

### Individual scores:



Average score:

2.9 (2009: 2.0; 2007 and 2005: n/a)

## 2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

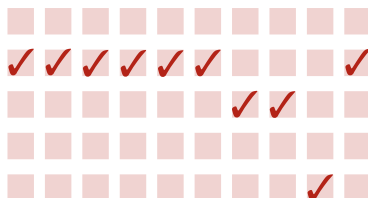
The country has policies that “touch all the important areas” of ICT. “The problem is with implementation, and it’s going to take time now because there won’t be funds to address issues in the policies.”

There have been efforts to equip schools with computer labs, but many rural schools still do not have electricity. One school, for example, was connected to Internet, but had to disconnect two months later because the connection was too expensive. People have access to mobile phones, but the existing 2G lines do not enable people to access the internet via these phones.

## Scores:

### Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

2.5 (2009: 4.0; 2007 and 2005: n/a)

## 2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

The government is the main advertiser in Swaziland and “use their influence without them having to say so”. This influence extends to individual ministries, and not just the government as a whole. Private media houses know the government will take away advertising if they are unhappy with the media’s coverage. “Government advertising is both a carrot and a stick. If they (the media) go out of line then government will withdraw (their advertising).”

*“Government advertising is both a carrot and a stick.”*

65 per cent of the advertising carried by the *Times of Swaziland* and 30 per cent of adverts in the *Swazi Observer* derive from government, which gives the state considerable leverage over the country’s two main newspapers. Historically, the *Times* has always had the biggest share of government advertising because of its wider reach. The government’s current fiscal crisis is likely to hit the media hard in terms of lost advertising revenue and late payment: “Sometimes they need six months to pay their bills.”

The state broadcasters also receive government advertising. In their case payment is consistent as a result of the broadcasters having an “internal arrangement” with government departments.



## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓		✓			✓				✓
<b>2</b>	Country meets only a few aspects of indicator		✓		✓	✓			✓	✓	
<b>3</b>	Country meets some aspects of indicator							✓			
<b>4</b>	Country meets most aspects of indicator.										
<b>5</b>	Country meets all aspects of the indicator										

Average score:

1.7 (2009: 1.2; 2007: 1.5; 2005: 2.9)

## 2.11 The advertising market is large enough to support a diversity of media outlets.

The advertising market is by no means big enough to support media diversity. Besides government, which is the country's main advertiser, classified advertising is very important to the print media, the *Times of Swaziland* in particular. A few corporate advertisers are based in Swaziland, the most notable being mobile phone company MTN. But most corporate advertisers are South African companies, in which case advertising agencies also take their slice of the cake.

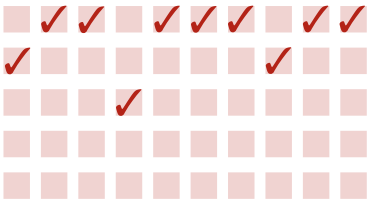
"The economy is upside down and even the advertisers who were there are now cutting their budgets. In the past perhaps there was enough advertising for the big two newspapers, but now there is not enough [even for them]." As a result, it is difficult for new publications to attract advertisers, and thus survive.

Broadcasting, on the other hand, is largely an untested market, and commercial broadcasters could give the SBIS a run for their money in urban areas. However, one panellist said commercial broadcasters would struggle to broadcast nationwide given that the SBIS spends E4 to 6 million ( US\$ 600 000 – 900 000) a month on electricity just to run its 11 transmitters around the country. "Commercial broadcasters would struggle to cover that sort of cost."

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator



Average score:

1.4 (2009: 1.6; 2007: 1.4; 2005: 1.0)

Average score for sector 2:

2.7 (2009: 2.6)

# SECTOR 3:

**Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.**

## Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

### 3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

Radio broadcasting and telecommunications are still regulated by the 1983 Swaziland Posts and Telecommunications Act, which empowers the Managing Director (MD) of the Swaziland Posts and Telecommunications Corporation (SPTC) to award radio licences. Section 86 (2) of the act states that:

A radio communication licence may be granted subject to such conditions, including the payment of any prescribed fee, as the Managing Director may think fit including in particular, in the case of a licence to establish a station, conditions as to the nature and position of the station, the purpose for which, the circumstances in which and the persons by who, the station may be used and the radio communication apparatus which may be installed or used therein; and, in the case of any other licence, conditions as to the radio communication apparatus which may be installed or used, the places where, the purposes for which the circumstances in which and the persons by whom such apparatus may be used.

Section 89 of the Act empowers the minister responsible for communications to make regulations for radio broadcasting with regards to:

- licence fees
- “the things which are to be done or are not to be done” by broadcasters
- licensing conditions
- financial procedures for licence holders
- the importation, purchase, manufacture, sale and letting of radio equipment.

Such regulations were issued in 1992 giving the Minister of Natural Resources and Telecommunications regulatory powers and the authority to grant licences. Under section 12 of these regulations the minister may at any time revoke or suspend any licence if the licensee fails to comply with licence conditions or “where it appears that such revocation or suspension is expedient in the public interest”.

Until now, *Voice of the Church* is the only radio broadcaster to be granted a licence. In February 2009, the SPTC invited applications for four community radio licences - “from all the four geographical regions (one per region) of the country”<sup>9</sup> - and one commercial licence for a station “that will operate on a national level, at least for the time being”<sup>10</sup>. However, later that year a new government took over and the licensing process has been stalled ever since. “People were so excited about the possibilities, and had invested money. Donors came in and granted financial and technical support. It was a huge blow when the licensing process stopped. People were ready to go.”

Television broadcasting is regulated by the 1983 Swaziland Television Authority Act which established the Swazi Television Authority (STA). Section 4 of the act gives the STA the power to “establish, erect and operate television broadcasting stations in Swaziland” and to “issue and withdraw licences”. Section 17 of the act enables the authority to, “subject to the approval of the minister, grant a licence to any person to conduct a television service in Swaziland upon such terms and conditions as the board may determine”. The STA also runs the country’s only television station, Swazi TV, and is thus both a regulator and a broadcaster, simultaneously player and referee.

*“It was a huge blow when the licensing process stopped.”*

The minister responsible for television broadcasting appoints four of the authority’s board members, while the other four are representatives of government ministries (the ninth is the General Manager as an *ex officio* member).

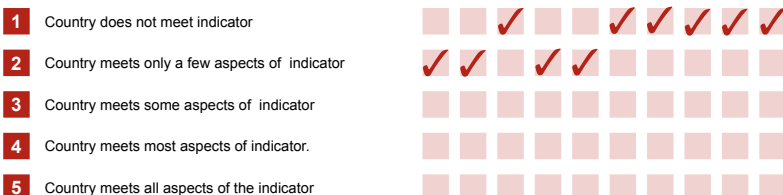
In 2009 the government published a Communications Bill. It provides for the establishment of a single regulator for all sectors of the communications industry. This would mean licences would no longer be granted and monitored by an organisation that also provides communication services, as is currently the case with the STA. The bill envisages that the minister will appoint the board of the commission. Once established, the commission would then apply separate laws governing broadcasting, telecommunications and postal services. The government has published two bills to govern the broadcasting sector. The Broadcasting Bill deals with commercial and community broadcasting, while the Public Broadcasting Bill would pave the way for the merger of the SBIS and *Swazi TV* into one state broadcaster. Neither has been tabled in parliament.

9 Press release issued by the SPTC MD (Sourced from [www.sptc.co.sz/Regulator/Radio.pdf](http://www.sptc.co.sz/Regulator/Radio.pdf) on 21 July 2011).

10 Ibid.

## Scores:

### Individual scores:



Average score:

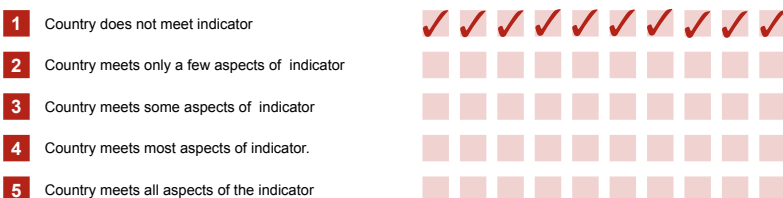
1.4 (2009: 1.0; 2007: 1.3; 2005: 1.1)

## 3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way involving civil society and not dominated by any particular political party.

As explained in 3.1, the regulators of radio and television, the SPTC and STA respectively, are not independent, nor is the appointment of their boards an open and transparent process or the regulation of broadcasting free of political interference.

## Scores:

### Individual scores:



Average score:

1.0 (2009: 1.2; 2007 and 2005: n/a)

### 3.3 The body regulates broadcasting services and licences in the public interest and ensures fairness and a diversity of views broadly representing society at large.

There is no evidence that the current broadcasting regulators, the SPTC and STA, act in the public interest and promote fairness and diversity in the broadcasting sector. Since they are not accountable to the public and are entirely controlled by government, they are neither obliged nor expected to act in the public interest. As explained in 3.1, the process to license more radio stations has stalled.

#### Scores:

##### Individual scores:

<b>1</b>	Country does not meet indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

##### Average score:

1.0 (2009: 1.2; 2007: 1.0; 2005: 1.5)

### 3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

The state-run radio broadcaster, the Swaziland Broadcasting and Information Services (SBIS), is a department of the information ministry, while Swazi TV is governed by a board made up of the representatives of government, together with people appointed by the minister responsible for television.

In March 2010, Minister for Information, Communications and Technology, Nelsiwe Shongwe, told parliament that the Attorney-General was finalising the Public Broadcasting Bill, which would bring about the merger of the SBIS and *Swazi TV* into a single broadcaster. MPs urged him to table the bill in parliament within the coming six months. This did not happen. “Internal political battles seem to be stalling change,” said one panellist. In terms of the draft bill, the minister would appoint the board of the merged state broadcaster.

*“Internal political battles seem to be stalling change,”*

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	
<b>2</b>	Country meets only a few aspects of indicator										✓
<b>3</b>	Country meets some aspects of indicator										
<b>4</b>	Country meets most aspects of indicator.										
<b>5</b>	Country meets all aspects of the indicator										

Average score:

1.1 (2009: 1.8; 2007: 1.0; 2005: 1.0)

## 3.5 Office bearers with the state and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

The STA Act requires that representatives of the ministries responsible for television and broadcasting, finance, education, and commerce and industry fill four of the eight seats on the STA board. The minister responsible for television appoints the other four board members, including the chair. In terms of the draft Public Broadcasting Bill, the information minister will appoint the members of the board that will govern the new broadcaster to be formed by the merger of the SBIS and *Swazi TV*.

## Scores:

### Individual scores:

<b>1</b>	Country does not meet indicator	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>2</b>	Country meets only a few aspects of indicator										
<b>3</b>	Country meets some aspects of indicator										
<b>4</b>	Country meets most aspects of indicator.										
<b>5</b>	Country meets all aspects of the indicator										

Average score:

1.0 (2009: 1.4; 2007: 1.3; 2005: 2.2)



### 3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practised.

The SBIS is a government department, while the STVA Act does not guarantee the independence of *Swazi TV*.

“Reporters (at the SBIS) are struggling to produce stories that push the boundaries. But the editors are the gatekeepers.” Editors receive phone calls from politicians and government officials, and are told how stories should be covered. The Director of Broadcasting within the information ministry, who is a political appointee, sets the parameters within which the SBIS operates. Often, news items on the 6pm radio news are removed from subsequent bulletins on the instructions of “political appointees”.

Some panellists said the state broadcasters did not cover the widespread demonstrations on 12 April 2011. “The morning radio programme usually covers a variety of topics, but on April 12 the government spin doctor was given 45 minutes to give a distorted picture on what had happened.” While not denying that the state broadcasters give a heavy pro-government slant to events, one panellist said *Swazi TV* did broadcast footage of the 12 April demonstrations, and even showed pictures of protestors being beaten by police. Another panellist said SBIS journalists refused to edit coverage of the protests from the BBC’s Focus on Africa programme, which the station usually airs every day. As a result, the information minister ordered that the programme be taken off air for two days.

*“Reporters (at the SBIS) are struggling to produce stories that push the boundaries. But the editors are the gatekeepers.”*

Reporters at the SBIS are advised to “distance themselves” from stories, rather than put their jobs at risk by being associated with controversial topics, said panellists. Similarly, journalists at *Swazi TV* realise they cannot “go against government” and therefore avoid “analysing the situation” by asking politicians and government officials probing or awkward questions. Instead, journalists simply allow their interviewees to “state their case”. Members of banned organisations are not allowed to say anything on the two broadcasting services.

## Scores:

Individual scores:

[illegible]

**Average score:**

1.1 (2009: 1.1; 2007 and 2005: n/a)

**3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.**

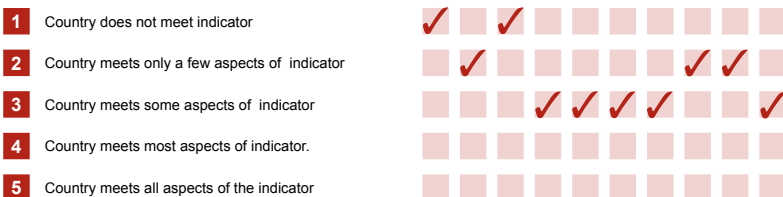
SBIS radio is adequately funded to the extent that 67 per cent of the broadcaster's capital projects have been approved in recent years, allowing SBIS to make "great progress in expanding transmission". Programme production is also "fairly well funded" and the department was able to hire new reporters this year.

On the other hand, *Swazi TV* staff may be paid well, but there is very little money with which to produce programmes. This year, the station only received government funding for wages, and nothing for programme production or for running the station. For this the station relies on income from advertisements.

As a result, most locally produced TV programmes are produced through “barter deals”, whereby the station trades services in return for airtime. International programmes tend to be repeats of programming purchased many years ago, while religious (from the Trinity Broadcasting Network) and foreign news programmes provided free of charge are aired between 10pm and 6am each night.

## Scores:

### Individual scores:



Average score:

2.3 (2009: 2.4; 2007 and 2005: n/a)

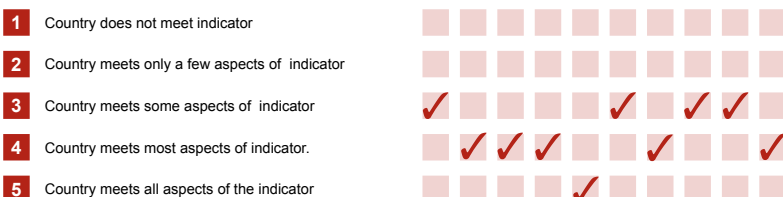
## 3.8 The state/public broadcaster is technically accessible in the entire country.

The SBIS radio transmitter network reaches 95 per cent of the country, while *Swazi TV's* terrestrial transmitters cover 75 per cent. *Swazi TV* has signed a deal with *Multichoice* that will make the local channel available to Swazi subscribers to the satellite service. This is due to take effect in August 2011. "We have seen that with the number of transmitters we have across the country, we are still not reaching certain areas. In order to reach those areas it is better to uplink (to a satellite). However, we will continue to broadcast on (existing) terrestrial (transmitters)."

In addition, more and more people appear to be listening to radio on their cell phones.

## Scores:

### Individual scores:



Average score:

3.7 (2009: 3.9; 2007: 3.4; 2005: 3.8)

### 3.9 The state/public broadcaster offers diverse programming formats for all interests.

*SBIS radio* has a variety of formats, although staff lack the skills to produce documentaries and features. However, some panellists felt the broadcaster's formats were out-dated, and SBIS could benefit from taking a fresh approach to some of its programming. SBIS stations have live phone-ins, but much of their programming is pre-recorded.

One panellist complained that *Swazi TV* broadcasts too many repeats. "What discourages you is to see programmes that you saw when you were 13." However, the station is doing its best to produce new, local programmes. There is the youth programme 'What's the Buzz' and 'On a Lighter Note', which covers women's issues.

#### Scores:

##### Individual scores:

<b>1</b>	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2</b>	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	Country meets most aspects of indicator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5</b>	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

##### Average score:

3.3 (2009: 2.8; 2007: 3.4; 2005: 2.3)

### 3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

While official political views are aired, "non-official views are ... systematically excluded". However, "there is nothing stopping listeners from expressing their views, but people know what they can and cannot say, broadcasters know what they need to do. Experienced presenters know how to shut off when callers express unacceptable views ... But the view of the person has been made. So it's out there, even if the panel or the presenter distance themselves from what the caller says."

This is because the SBIS and *Swazi TV* are state owned and “cannot bite the hand that feeds”.

Government people dominate the news bulletins. It is SBIS policy to lead a bulletin with a report about the King, followed by a report on the Queen Mother, followed by the Prime Minister, and so on. The speeches of these VIPs tend not to be edited. “Broadcasters are accountable to the politicians rather than their audience, therefore it’s not important if this approach is turning off audiences.”

*“Broadcasters are accountable to the politicians rather than their audience.”*

There is a “politicisation of culture” by the state broadcasters whereby “culture is portrayed as static”, a panellist said. “There is a youth culture but it is not covered. Therefore there is not a balanced view of culture.” Another panellist pointed out that SBIS 2, which broadcasts in English, has become much more youth-orientated.

One panellist felt *Swazi TV*’s government-sponsored programme about events in and around the *tinkhundla* traditional authorities smacked of propaganda. Another panellist argued that this was not always a bad thing: “Sometimes we miss out on the nuances of the propaganda. Take ‘From the Palace’, for example, which recently covered the King’s trip abroad. It was scary to watch what the Foreign Minister and Minister of Trade tell the rest of the world. In terms of being clued up about what damage they are doing to Swaziland, I think it’s important to watch these programmes once in a while.”

## Scores:

### Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Average score:

1.7 (2009: 2.0; 2007: 2.6; 2005: 1.6)

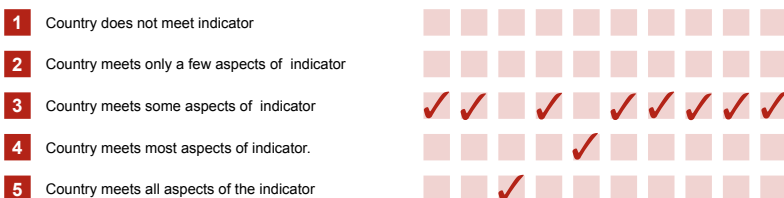
### 3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

SBIS has “people driven content” that often features “ordinary people”. However, the Swazi music industry “is not very developed therefore it is not possible to broadcast local music”, which is perhaps not surprising seeing that SBIS does not pay musicians for playing their music.

*Swazi TV* has live panel discussions, as well as sports, youth and magazine programmes, which include a regular preview of what is happening around the country over the weekend. Panellists felt *Swazi TV* was trying its best given how little funding it has for programming.

#### Scores:

##### Individual scores:



Average score:

3.3 (2009: 2.4; 2007: 3.1; 2005: 2.4)

### 3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

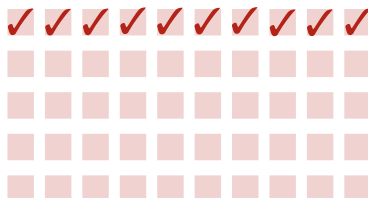
Since the turn of the century, prospective community broadcasters have been hoping to apply for licences to broadcast. On several occasions during the past decade, government announced that it was about to issue community radio licences, only for nothing to happen.

On the most recent occasion, the SPTC invited applications for four community radio licences in 2009, one for each region of the country. However, the licensing process stalled once again.

## Scores:

### Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



### Average score:

1.0 (2009: 1.4; 2007: 1.1; 2005: 1.1)

### Average score for sector 3:

1.8 (2009: 1.9)





# SECTOR 4:

The media practise high levels of professional standards.

## The media practice high levels of professional standards.

### 4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

In 2007, The Swaziland National Association of Journalists (SNAJ) adopted a Code of Ethics. It enjoins journalists among others to “adhere to the truth” and “give an unbiased and balanced account of the facts”, “be socially responsible” and protect confidential sources of information. Article 8 of the code states that “under no circumstances shall news be suppressed unless it compromises national security or it is in the public interest to do so”. “When we included that we didn’t want to be seen as people who are going to promote anarchy. We meant ‘national security’ in the broadest sense, rather than how governments define it. However, we have never had anyone interpret it.”

Some panellists felt this code is not really followed – “it is just on paper”. “As a journalist you expect people to know the code of ethics and, as much as possible, follow it. But there is no independent body to enforce the code. So what do you do? If there are ethical questions, the decision now lies with the editor. You need an independent arbiter.”

Other panellists felt the code does play a role. “It forms the basis of our operations, and we like to abide by it. There are challenging cases, but we try to follow the code every day. We widely distributed the code at the beginning of the year. When an ethical issue arises, we discuss it at the staff meeting.” Similarly, all journalists working for *Swazi TV* and SBIS have copies of the code, but implementing it “is a different matter because of the (political) interference”.

SBIS also has its own in-house code of ethics designed specifically for radio.

The media has established its own voluntary Media Complaints Commission (MCC) which was registered as a non-profit company in June 2011. This marked the end of a 14-year struggle by the media to establish media self-regulation. The last attempt was prompted by government’s move to set up a statutory body through a Media Commission Bill, which was published in 2007 and approved by Cabinet in April 2010. At first government refused to register the MCC, preferring instead to proceed with the statutory body. Government finally relented – for the time being.

Initially the MCC was established as a voluntary association under a constitution. In terms of the original MCC constitution, the organisation's general council appoints a body of commissioners and a mediator. The MCC seeks to retain these institutional arrangements under the NPO framework. Under the procedural rules of the MCC a complaint is submitted to the secretariat and once it meets the criteria for submission, it is referred to the mediator, who seeks to resolve the matter. If a resolution is not reached, the matter is referred to the commission which acts as an adjudicative council. The commission is to be comprised of representatives of media owners, journalists and the public. The commission, it is envisaged, can reprimand the offending media, and order that an apology to the complainant be published.

So far, only the *Times of Swaziland* and *Swazi Observer* have subscribed to the MCC. Other media haven't bought into it. *The Nation*, for example, says it cannot be compelled to be part of it. Broadcasters are also not included in the MCC at present. "That is the loophole that government is going to exploit."

Presently, the MCC still is not operational. "The commission is registered, the only thing outstanding is for the members to meet and to put in place the administrative and executive framework and initiate the process. How long that takes depends. Formally, we could have it up and running in a matter of weeks."

*"Self-regulation  
within the  
media is a step  
in the right  
direction."*

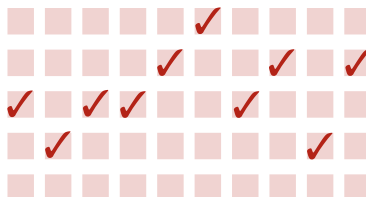
But there is yet another hurdle to overcome. The judge who was identified to chair the MCC, Justice Thomas Masuku, has been suspended by the Chief Justice over another matter at the end of June 2011, throwing the judiciary into turmoil, and further delaying the MCC in the process.

For now, the courts remain the only resort for those looking to hold the media accountable. "As we speak, even the chief justice is suing *The Nation*. The core principle of self-regulation is that it provides a real and credible alternative to litigation. Therefore it is important that the key media operators – at least the main dailies – are part of the process. If someone opts for mediation rather than litigation it is a good thing. Self-regulation within the media is a step in the right direction."

## Scores:

### Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator.
- 5** Country meets all aspects of the indicator



Average score:

2.7 (2009: 2.3; 2007: 2.6; 2005: 1.3)

## 4.2 The standard of reporting follows the basic principles of accuracy and fairness.

Principles of accuracy and fairness are followed only partly. The dilemma seems to be that “so-called ‘serious news’ does not sell”. “We [journalists] cannot go and be very deep in politics because that it is a no-go area. So you end up being forced into the kind of news that doesn’t necessarily contribute to national development, but sells newspapers. The stricter the environment gets, the worse this kind of journalism becomes. We are not addressing the real issues, rather we are trying to avoid the issues as much as we can.”

When there are “scandal headlines”, the papers sell very well. Since the beginning of 2011, though, as the country’s political and economic problems mount, newspaper readers seem to be looking for stories “around issues affecting their lives”. Not all panellists agreed with this view. “What we should look into is the lack of interest from the public in issues that really affect them. They only want to read about the King’s scandals. That doesn’t help us. Civil society doesn’t sell. If you put a story about the unions on the front page, it won’t sell. Why aren’t the members of the unions buying that newspaper?”

*“We [journalists] cannot go and be very deep in politics because that it is a no-go area.”*

A lack of trust in and understanding of the media seems to be the answer to that question. Trade unionists give a story to journalists only to find it “partly twisted or edited” when it is published or broadcast. “Most of the content (of the press release) is edited to such an extent that it becomes a waste of time to send press statements to media houses.”

“Everyone can see the economic situation is worsening. There is desperation written everywhere. Where the media positions itself is going to be critical. I can

think of hundreds of issues screaming for attention. I have heard the arguments about numbers, but I'm not convinced. I think there is a leverage that allows papers to produce something more reflective."

The problem is compounded by tabloid-style weeklies that started publishing in recent years. "They exist in a vacuum of their own, and undermine efforts by other media to create a conducive environment. The editors do not belong to professional bodies, so you don't know how to call them to order. They are pushing personal agendas. They seem to have little advertising but continue, which suggests they have sponsors. While we thought it was good to have these new publications, it is difficult to hold them to account ... It makes you wonder if this is what we want in terms of media diversity."

Some panellists said they had noticed improvements in the balance of stories in the two dailies in that, increasingly, the media were at least allowing the subjects of their coverage the right to reply. "You can see there has been an attempt to get the other side of the story; they seem to be conscious about the need to do this ... I think people are complaining now. You can see, even with the broadcasters, people call in and complain to the media."

Balance is one thing, but accuracy is another. One panellist noted the tendency of people to buy space in newspapers in order to publish statements giving their side of a story. "People feel their story won't be published therefore they buy space in the paper instead. Often, you see a statement, as well as a story based on the same statement. That arises from a concern about a lack of accuracy in reporting."

Journalists are under pressure to submit stories – at least three a day. This pressure is compounded by the lack of resources available to most journalists, who sometimes do not have the time or the means to get confirmation of a story. A concern was also raised about the proliferation of opinion within what is supposed to be "news" media. "Sometimes there are more opinion pieces than factual stories."

Editors on the panel accepted that "we are not perfect". "We make mistakes. It's the nature of the industry we are in. But it is not for the lack of trying. I think we have gone to considerable lengths to ... balance stories. It is very unfortunate if the perception is that we are not doing enough. I have taken several journalists to task for not getting a person's side of the story, and to list the number of times we have tried to get hold of them. At times journalists are withdrawing from doing stories because they know they won't get comment ... It's amazing how people try to hide information.

*"Where the media positions itself is going to be critical."*

*"Sometimes there are more opinion pieces than factual stories."*

People don't want to talk or give information, even off the record. In that way it's likely you'll get something wrong."

"We have to understand the environment we operate in is very secretive," said another editor. "Not long ago we were made to apologise for an accurate story ... In Swaziland we are called liars for saying something that is true but it is not yet the time to say it ... We are a product of the society we are living in. The society we're serving today is not enlightened to the point of there being a free flow of information, and of views being expressed freely ... It is not the intention of the newspaper to get things wrong. That is why we have the right to reply and the media complaints commission."

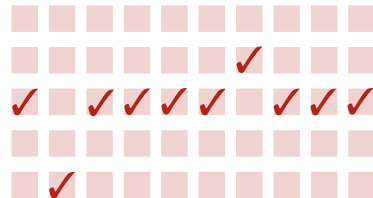
Swaziland's broadcasters are faced with a different dilemma in that, being government media, "there is that force behind" that only allows journalists to report the government line on controversial issues. When a trade union leader is a "proscribed person", government media are automatically unable to quote that person, even if the topic is not off limits. On other issues, journalists working for government media try their best to get both sides of the story.

“If government media allow a minister to discuss political issues about the trade unions, why don’t they allow the unions to respond?” one panellist asked. “Because the minister owns the radio,” came the reply.

## Scores:

**Individual scores:**

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator



**Average score:**

3.1 (2009: 3.4; 2007: 2.6; 2005: 2.6)

### 4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

Overall, the media cover a broad spectrum of issues. The print media in particular have shown greater consistency in following up on stories, and providing analysis and editorial comment.

Investigative stories, however, are missing. “You find that you have one investigative piece after a long time. I should get my *Times on Sunday* and know there will be investigative pieces.” There are limitations to investigative journalism in Swaziland. “You are going to struggle to find people to confirm stories.”

“I would like to believe that the media do investigative stories but only to a certain level. Investigation needs time. You cannot produce an investigative story on a daily basis.”

*Swazi TV* tends to have documentaries rather than investigative news stories: “You have to follow people around to comment on a particular issue. With print media you can get them to comment on the phone. Most people shy away from TV.”

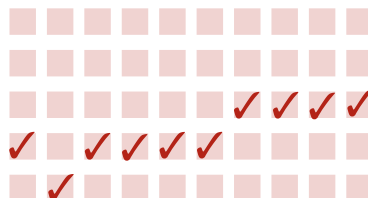
*“You are going to struggle to find people to confirm stories.”*

SBIS lacks the experienced and well-trained producers and presenters to dig for stories. “If you are doing a story on the central bank, you need to be able to understand a balance sheet and interpret that into the story.” There are journalists who are good enough to break stories, but not those “who are good enough to follow up on the stories”.

### Scores:

#### Individual scores:

- |          |                                               |
|----------|-----------------------------------------------|
| <b>1</b> | Country does not meet indicator               |
| <b>2</b> | Country meets only a few aspects of indicator |
| <b>3</b> | Country meets some aspects of indicator       |
| <b>4</b> | Country meets most aspects of indicator.      |
| <b>5</b> | Country meets all aspects of the indicator    |



#### Average score:

3.7 (2009: 3.7; 2007: 2.8; 2005: 3.4)

#### 4.4. Equal opportunities regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

While some media houses have gender and disability policies, questions remain as to whether or not these have translated into equal opportunities.

Most media in Swaziland could claim they are doing something towards providing equal opportunities in regard to gender. The SBIS employs more women than men, although only two of the broadcaster's top managers are women. The *Swazi Observer* had a female CEO until recently, and a woman still serves as the company's marketing manager, while the *Times* has the country's only female editor.

There was criticism that the media in general are not pro-active enough when it comes to people with disabilities. Only the SBIS premises have been adapted to allow wheelchair access, and employs disabled journalists.

#### Scores:

##### Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.0 (2009: 4.2; 2007 and 2005: n/a)

#### 4.5 Journalists and editors do not practise self-censorship.

Many examples of self-censorship are described under indicators above: editors are called to the King's court to explain their coverage; politicians and political appointees have a hotline to editors; media are afraid of losing government advertising. "It is a fact of life."

"Self-censorship has killed our position in terms of standing up against things no matter what," said a panellist. "Our owner understands we have to have a



different system of government in order to be a free media, but we have to play our role within the current environment. We have to continue to exist in order to say 'there is a problem in this country' in a nice way. When we sit down in our editorial meetings, we take it story by story. Ours is a sort of hit-and-run approach. There is nothing nice about going to sit in front of the King and explaining where you are coming from, knowing that you have employees who could lose their jobs as a result of the newspaper being too progressive. You protect your jobs and interests. I was given a last warning: if I make another big mistake, I will be finished. I don't want to be finished, so I'm going to be extra careful."

*"Self-censorship  
has killed  
our position  
in terms of  
standing  
up against  
things..."*

Another constraining factor is the lack of general support: "If anyone wants us to be brave, there must be more people out there willing to put their heads on the block with us. Many people use us to push an issue but then withdraw. If we are going to publish a story about the King buying new cars, others must stand by us when we do. Often we have found ourselves on our own."

## Scores:

### Individual scores:

1	Country does not meet indicator	✓					✓		✓	✓		
2	Country meets only a few aspects of indicator		✓	✓	✓	✓	✓		✓			
3	Country meets some aspects of indicator											✓
4	Country meets most aspects of indicator.											
5	Country meets all aspects of the indicator											

### Average score:

1.7 (2009: 2.2; 2007: 1.5; 2005: 1.4)

## 4.6 Owners of established mainstream private media do not interfere with editorial independence.

The discussion focussed on whether or not a publisher sitting in on an editorial meeting constituted editorial interference.

"Part of the publisher's job description is to guide the newspaper," said one panellist. "I don't take that as interference. Interference is where they would say: 'Don't run a story, I want to see a story before you run it.' They understand that they have to leave editorial issues to us and only be concerned with financial matters. Besides, the publisher only gives an input to what is published already."

Other panellists felt uncomfortable with a publisher sitting in on an editorial meeting, either before or after publication. “Their very presence interferes with editorial content.” A publisher’s line of communication with the newsroom should be through the managing editor.

## Scores:

### Individual scores:



### Average score:

2.8 (2009: 2.1; 2007: 1.6; 2005: 1.6)

## 4.7 Journalists and media houses have integrity and are not corrupt.

Members of the public have the impression that corruption within the media is a problem. Journalists receive gifts, and are even paid by politicians to write favourably about them during elections. Editors on the panel did not want to dismiss such allegations outright but warned that they might be based on rumours.

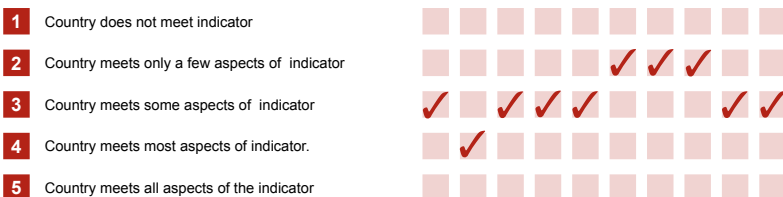
The problem seems to have become more endemic since the emergence of a new generation of weeklies. “People have manipulated these papers, and paid. So the perception out there is that this is how the industry operates. What has happened is that people expect the *Observer* and *Times* to play the same game.”

Some papers have mechanisms in place to reduce the opportunities for corruption. If a story presented at the morning news conference is no longer on the story roster come the afternoon news conference, the news editor has to explain to the managing editor why the story has been dropped.

Some media houses also require their journalists to declare any gifts they receive worth over E100 (US\$ 14.50).

## Scores:

### Individual scores:



Average score:

2.8 (2009: 2.8; 2007 and 2005: n/a)

## 4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Payment levels and working conditions for journalists differ between media houses, but have improved since 2009, the year of the last AMB. In 2009, the average salary of journalists working for the private media was around E2500 (US\$ 362) per month. In 2011, journalists can expect to start on E6500 (US\$ 942) per month if there are no additional benefits, or E3500 (US\$ 507) per month when benefits (housing, medical aid and pension) are included in the package.

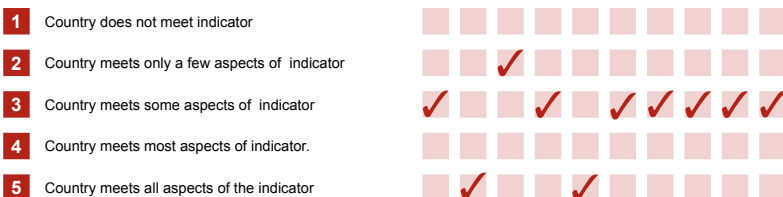
At SBIS, the average salary was between E6000 to 8000 (US\$ 870 – 1160) per month in 2009. This basic salary remains the same today, but benefits have been added to the package. Journalists working for *Swazi TV* can expect to earn no less than E10 000 (US\$ 1500) per month, as they are expected to be “multi-skilled”. Staff at SBIS hope to follow suit with a pay rise, and a proposal to that effect is now with the Ministry of Finance.

While salaries at the mainstream media may have improved, journalists working for the weeklies can go for months without being paid. “If you talk to their owners, they will say they are only just starting. They say that they only take on people as freelancers.”

Stringers (freelancers) for the *Times* are paid E150 (US\$ 22) for a lead story in the daily paper, E250 (US\$ 36) for a lead in the weekly *Swazi News*, and E1000 (US\$ 145) for a lead story in the *Times on Sunday*.

## Scores:

### Individual scores:



Average score:

3.3 (2009: 1.8; 2007 and 2005: n/a)

## 4.9 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

The Swazi media appear to be looking to recruit better qualified staff, and Swaziland's training institutions are beginning to respond to this need.

The University of Swaziland has just upgraded its diploma in Journalism and Mass Communications to a full degree. The first year of the programme has around 20 students, while those with a diploma can enter the degree programme in the third year. Currently the University is producing five to ten fresh journalists a year, and the media industry should be able to absorb this number.

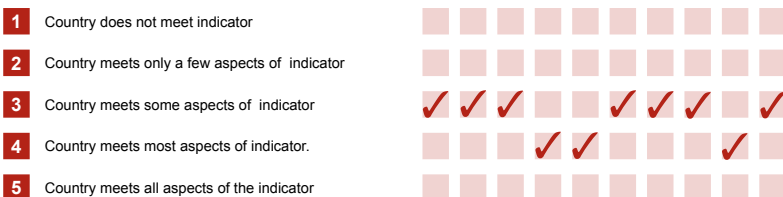
The private Limkokwing University of Creative Technology has just opened a campus in Swaziland, which offers an Associate Degree<sup>11</sup> in Journalism and Media, Television and Film Production, Creative Multimedia, and Advertising. Some panellists were sceptical about the new institution, but others felt its training may prove to be more creative and better suited to the needs of young people. The government has yet to add Limkokwing to its list of approved academic institutions, and for now SBIS does not take interns from the local Limkokwing campus. However, SBIS does take interns from the University of Swaziland, the Teachers Training College and the Technical College.

Media owners are expected to contribute 50 per cent of scholarships offered by government for the training of journalists, but they appear reluctant to pay.

11 According to the Limkokwing University web site ([www.limkokwing.net/swaziland/](http://www.limkokwing.net/swaziland/)), an Associate Degree is the equivalent of a foundation degree, or the first two years of a four-year college or university degree.

## Scores:

### Individual scores:



Average score:

3.3 (2009: 2.1; 2007: 3.8; 2005: 1.9)

## 4.10 Journalists and other media practitioners are organised in trade unions and/or professional associations.

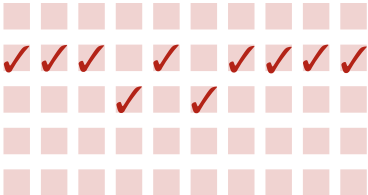
“Journalists are not organised, they are disorganised,” was the overall verdict of the panel.

- MISA-Swaziland is operating, but there are concerns about the pro-activity and commitment of its members.
- The Swaziland National Association of Journalists (SNAJ) “has a pulse”, but it is not effective. “The leadership are practicing journalists who are so overwhelmed with the day-to-day business, they are not able to look at the issues affecting journalists.” SNAJ operates at “the political level” and is there when members need it.
- The Editors Forum conducts regular activities and has eight members.
- The Media Workers Association of Swaziland (MWASWA) was revived in 2009, but lost steam again when the time came for its constituents to take over and to run the organisation for themselves.
- The Media Workers Union of Swaziland (MWUS) is active but not recognised by some media houses.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator.
- 5 Country meets all aspects of the indicator



Average score: 2.2 (2009: 2.6; 2007: 3.6; 2005: 3.0)

Average score for sector 4: 2.9 (2009: 2.7)

OVERALL COUNTRY SCORE: 2.5 (2009: 2.5)

# Developments since 2009 and the Way Forward

## Positive developments in the media environment in the last two years:

- **The registration of the Media Complaints Commission (MCC):** Government appears to have accepted media self-regulation - for now.
- **Greater recognition of the importance of training:** Increasingly, decision makers within the media recognise the value of training journalists. The introduction of the Journalism and Media Studies degree at the University of Swaziland and the launch of media-related courses at the newly opened Limkokwing University mean there are now more opportunities for media workers to become better qualified.
- **Better working conditions:** Overall, there has been an improvement in the pay and conditions of those working in the media.
- **Greater social responsibility of the media:** Media houses are taking their corporate social responsibility role more seriously, and are launching campaigns to help citizens in need. The media has been able to collect funds on behalf of people they feature.
- **Adoption of gender policies:** A number of media houses have adopted gender policies.

## Negative developments in the media environment:

- **The change of government:** When it was appointed, the current government looked as if it might be an improvement. But it has proved to be heavy-handed when dealing with the media, and little has changed to improve the media environment. While the registration of the MCC is a positive move, government did this reluctantly, and keeps its bill for a statutory media council on ice.
- **Growing hostility towards media:** While attacks against the media may not have increased, both sides of the country's political divide (government and opposition) show an increasing mistrust of, and hostility towards the media. Journalists have found themselves in the firing line during demonstrations in March/April 2011. Legislators are increasingly critical of the media and getting more nervous and uncertain.
- **The new weeklies:** While it is good that new publications have emerged, there is concern about their role, and their apparent disregard for ethical journalism.

## Activities needed over the next few years

- Get the Media Complaints Commission (MCC) up and running and embark on a public awareness campaign to promote the role of the MCC and the public's use of the commission.
- Pressurise for a law reform commission – This requires a broad approach, calling for law reform in general rather than focussing on a particular sector.
- Campaign for the enactment of the Broadcasting Bill – This needs to be linked to the passage of the Communications Bill, and should aim to create greater awareness of the bills and their implications.
- Strengthen media organisations by encouraging journalists' involvement in the development of their own profession and to get involved in the national debate on law reforms.
- Greater collaboration between media and training institutions. MISA, together with editors, should explore what specialised knowledge journalists need, and specific courses can best be delivered. There should be better monitoring and evaluation of training.

The panel meeting took place at Orion Hotel, Pigg's Peak, 8 to 10 July 2011.

### The Panel:

Ms Lomcebo Dlamini	– Civil society activist
Mr Pesheya Dube	– Radio editor
Ms Thandi Khumalo	– Lecturer
Mr Alec Lushaba	– Editor
Mr Cyril Maphanga	– Lawyer
Ms Ncane Maziya	– Gender activist
Mr Mbongeni Mbingo	– Editor
Ms Simangele Mmemma	– Trade unionist
Dr Maxwell Mthembu	– Media lecturer
Ms Setsabile Sibisi	– Television editor

### Rapporteur:

Mr David Lush

### Facilitator:

Mr Hendrik Bussiek







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